

ORDINANCE NO. 25-2298

AN ORDINANCE OF THE CITY OF LAKE JACKSON, TEXAS, AMENDING CHAPTER 62 MISCELLANEOUS OFFENSES IN THE LAKE JACKSON CODE OF ORDINANCES TO PROHIBIT PUBLIC CONSUMPTION AND PUBLIC CARRYING OF OPEN ALCOHOLIC BEVERAGES IN THE CENTRAL BUSINESS DISTRICT; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FIVE DAYS AFTER PUBLICATION

Whereas, city council has reviewed data from the police department showing the problems that alcoholic beverages are causing in the Central Business District; and

Whereas, city council finds that the possession of open containers of alcoholic beverages and the public consumption of alcoholic beverages in the Central Business District are a risk to the health and safety of the Lake Jackson residents and visitors; and

Whereas, a map of the Central Business District has been approved by city council and is attached to this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:

Section 1: That section Ch. 62 is amended to add the following:

Sec. 62-13. Open Container and Public Consumption of Alcohol in the Central Business District.

(a) In this section:

Central Business District means the area bound by Circle Way from Oak Drive to That Way, That Way from Circle Way to Oyster Creek Drive, Oyster Creek Drive from That Way to Oak Drive, and Oak Drive from Oyster Creek Drive to Circle Way.

Licensed premises means the premise of any place for which a Texas Alcoholic Beverage Commission permit or license has been issued that allows on-premise consumption of alcoholic beverages.

Open container means an unsealed container of an alcoholic beverage, and includes bottles, cans, cups, mugs, glasses, thermos bottles, flasks and other containers of an alcoholic beverage whether or not there is a cap or lid on the container.

Possession means care, custody, control or management of an open container of an alcoholic beverage.

Public means any place to which the public has access, including streets, sidewalks, parks, plazas, or parking lots.

(b) It shall be unlawful for any person to be in possession of an open container of an alcoholic beverage in the Central Business District.

(c) It shall be unlawful for any person to engage in the public consumption of an alcoholic beverage in the Central Business District.

(d) This prohibition does not apply to the possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the city, residential structures, or in the sidewalk café area of a licensed premises.

(e) Exception -- Special events. City Council may grant an exception to this section if:

1. The applicant is holding an event for one designated date and time period; and
2. The area designated for alcohol dispensing and consumption is provided within an enclosure (barrier or sides) with secure ingress and egress; and
3. The number of drinks that attendees consume is limited; and
4. Appropriate security is provided by the applicant to ensure that the laws governing public intoxication and the legal age for drinking will not be violated.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3: A violation of this ordinance shall be a Class C misdemeanor, and the penalty for violating this ordinance shall be as provided in Sec. 1-5 of the Code of Ordinances of the City of Lake Jackson.

Section 4: If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 5: The City Secretary shall publish the caption of this ordinance within ten (10) days of final passage in the City's official newspaper. This ordinance shall take effect and be in force five (5) days after publication in accordance with Section 3-15 of the Charter of the City of Lake Jackson, Texas.

PASSED on the first reading this 3rd day of February 2025.

PASSED AND APPROVED on second reading this 18th day of February 2025.

Gerald Roznovsky, Mayor

ATTEST:

APPROVED AS TO FORM:

Sally Villarreal, City Secretary

Sherri Russell, City Attorney

Map of the City of Lake Jackson Central Business District

